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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 09/966,246 | 09/28/2001 | William M. Houston | END920010068US1 | 5159 |
| 5409 | 7590 | 08/20/2004 | EXAMINER | |
| ARLEN L. OLSEN SCHMEISER, OLSEN & WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110 | | | LEROUX, ETIENNE PIERRE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2171 | |
| DATE MAILED: 08/20/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------------|------------------|-----------|
| Office Action Summary | Application No. | Applicant(s) | <i>SK</i> |
| | 09/966,246 | HOUSTON ET AL. | |
| | Examiner Etienne P LeRoux | Art Unit 2171 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Finality Vacated

The finality of the previous Office Action is hereby vacated.

Claim Objection

Claims 23 and 24 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 23 depends from claims 1, 11 and 12. Claim 1 includes in the preamble “a method for generating and maintaining N database instances.”

Claim 23 includes in the preamble a “computer system.” It is unclear whether claim 23 comprises method or system.

Claim 24 depends from claims 1, 11, 12 and 23. Claim 24 which claims a “computer system” is unclear for the reason as above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 13-22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by

US Pat No 5,838,918 issued to Prager et al (hereafter Prager).

Claims 1, 13 and 25 :

Prager discloses:

- creating the template based on design information, said creating the template implemented by a template manager [col 5, lines 8-18]
- storing the template in a template manager database, said storing the template implemented by the template manager [col 5, lines 19-28]
- generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager [col 10, lines 24-32];
- storing the N instances in the template manager database, said storing the N instances implemented by the template manager [Fig 10, 200]
- transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager [Fig 10, 200].

Claims 2 and 14:

Prager discloses said control information further including administrative information [col 10, lines 57-67].

Claims 3 and 15:

Prager discloses said administrative information being location dependent [col 10, lines 57-67]

Claims 4 and 16:

Prager discloses said administrative information including administrator information [col 10, lines 57-67].

Claims 5 and 17:

Prager discloses said control information comprising access control information, said access control information identifying at least one access control group for each instance of the N instances, wherein if a plurality of access control groups are associated with a given instance then each such access control group of the plurality of access control groups has an independent level of access control relating to the given instance [claim 1(b)].

Claims 6, 10 , 18 and 22:

Prager discloses obtaining the design information, said obtaining implemented by an agent; and transmitting the design information to the template manager, said transmitting the design information implemented by the agent [Fig 9, 900]

Claims 7 and 19:

Prager discloses obtaining a portion of the control information, said obtaining implemented by an agent; and transmitting the portion of the control information to the template manager, said transmitting the portion of control information implemented by the agent [Fig 9]

Claims 8 and 20:

Prager discloses transmitting the N instances comprising transmitting the N instances to the corresponding N locations over telephone lines or cable lines [Fig 1].

Claims 9 and 21:

Prager discloses refreshing the template based on update design information, said refreshing the template implemented by the template manager; refreshing the N instances based

on the refreshed template, said refreshing the N instances implemented by the template manager; and transmitting the N refreshed instances to the corresponding N locations, said transmitting the N refreshed instances implemented by the template manager [col 7, lines 43-54]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11, 12, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prager.

Claims 11 and 23:

Prager discloses the elements of claim 1 as noted above.

Prager fails to disclose refreshing M instances of the N instances based on update control information, said $M \leq N$, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Prager to include refreshing M instances of the N instances based on update control information, said $M \leq N$, said refreshing the M instances implemented by the template manager; and transmitting the M refreshed instances to the corresponding M locations, said transmitting the M instances implemented by the template manager.

The ordinarily skilled artisan would have been motivated to modify Prager per the above for the purpose of confining updates to those clients who requested the updates.

Claims 12 and 24:

Prager discloses further comprising providing the update design information to the template manager, said providing the update design information implemented by an agent [Fig 9, 900].

Response to Arguments

Applicant's arguments filed 5/24/2004, have been considered and found persuasive but are now moot based on above new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Pat No 5,966,716 issued to Comer et al discloses a template for entering data into a database.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

August 16, 2004


UYEN LE
PRIMARY EXAMINER